IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 13230 of 2004

Between:

1.AP. Women's Co-Operative Finance Corporation,

8-3-222, Vengalraonagar, Behind Saradhi Cine Studios, Hyderabad

Represented by its Managing Director Smt. Anupama Singh
2.The District Manager, Telugu Bala Mahila Pragathi Pranganam

Tadikalapdui, West Godavari District, rep. by its M.D.

Smt.Anupama Singh
..... PETITIONERS

AND

1 The Assistant and Regional Provident Fund Commissioner, SRO,

Rajahmundry, West Godavari District
2 The Regional Provident Fund Commissioner, Barkatpura, Hyderabad
3 The Govt. of India represented by its Secretary, Ministry of Labour,

New Delhi.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction particularly one in the nature of Writ of Mandamus declaring the show Cause Notice-Cum-Levy order No.AP/RJY/CIRCLE: 6/DAMAGES/AP/27199/CA/1947, DT.16/10/2003 read with No.AP/Recy/27199/RJY/2004/301, dt.6/07/2004 of the Assistant/Regional Provident Fund commissioner, SRO, Rajahmundry levying damages against the 2nd petitioner as bad, arbitrary and contrary to EPE and MP.Act.1952 and set aside the same.

Counsel for the Petitioner:MS.M.VIDYAVATHI

Counsel for the Respondents 1 and 2: MR.R.N.REDDY

Counsel for the Respondent No.3: Sri A.Rajasekhar Reddy, SC for Central

Government

The Court made the following :

ORDER:

The Andhra Pradesh Women's Cooperative Finance Corporation (for short, the Corporation), a Government of Andhra Pradesh undertaking, is the first petitioner in this Writ Petition. First petitioner established Telugu Bala Mahila Pragathi Pranganams at various places in the State of Andhra Pradesh with supporting staff. Second petitioner is District Manager of one of such Pranganams in West Godavari. The petitioners assail the order of first respondent passed under Sections 7-A and 14-B of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short, the Act).

Against the orders passed by first respondent, appeal would lie to the appellate authority under Section 7-I of the Act. As the petitioners seek to give valid explanation for non-payment of the provident fund dues within time, this matter requires a deeper enquiry. The appellate authority can as well go into these.

Therefore, giving liberty to petitioner to file avail appellate remedy before the appellate authority under Section 7-A of the Act, the Writ Petition is disposed of. Petitioners shall file appeal before the appellate authority within four weeks from today. The respondents shall not take any coercive action subject to condition that the Corporation deposits half of the amount demanded in notice of demand dt.6.7.2004 within a period of four weeks from today. Failing which, it shall be open to the respondents 1 and 2 to initiate necessary action under Section 8B of the Act.

With the above observations and directions, the Writ Petition is disposed of. No costs.

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(V.V.S.RAO, J)

28.7.2004

bnr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Assistant and Regional Provident Fund Commissioner, SRO,

Rajahmundry, West Godavari District
2 The Regional Provident Fund Commissioner, Barkatpura, Hyderabad
3 The Secretary, Ministry of Labour, Govt. of India, New Delhi.

4 2 CD copies.